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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,519	08/07/2003	Masaru Saruwatari	03500.011982.1	8443
5514 7590 12/10/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER RUDOLPH, VINCENT M	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 12/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/635,519	Applicant(s) SARUWATARI ET AL.	
	Examiner Vincent M. Rudolph	Art Unit 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20,21 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20,21 and 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 08/813,288.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 20-21, 23 and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Morgan ('674).
4. Regarding claim 20, Morgan ('674) discloses a data communication apparatus (local area print server, See Figure 1, Element 10) that includes a connector (communication link, such as a bus, See Figure 1, Element 14) arranged to connect to a host computer (allows to connect to components over the network, See Col. 6, Line 8-11, such as printing clients, See Col. 6, Line 17-20), a receiver (server job controller, See Figure 1, Element 40) arranged to receive a command from a host computer through the connector (receives printing requests from the clients, See Col. 9, Line 40-43, or status inquiries, See Col. 7, Line 32-34), an analysis unit (embodied within the print server) arranged to analyze the command received by the receiver (identifies the printing request

that should be serviced, See Col. 7, Line 7-8), a transmitter (embodied within the print server) arranged to transmit to the host computer a response in accordance with the analysis result (informs the printing client with a response regarding the analysis, See Col. 7, Line 13-15; Col. 7, Line 32-37), a monitoring unit (embodied within the print server) arranged to monitor whether a status of the data communication apparatus has been changed (monitors statuses within as well as outside the server, See Col. 7, Line 30-31, such as a status change from one of the printers, See Col. 14, Line 14-18), a controller (embodied within the print server) arranged to add information unrelated to the command analyzed by the analysis unit to the response transmitted to the host computer (if the command is related to if a printing request is accepted, information is added to inform the user to send the printing data and instructions, See Col. 7, Line 12-19), such that in response to the command not being a command requesting a status of the data communication apparatus (rather a printing request), the controller adds the information related to a status of the data communication apparatus to a response corresponding to the command in order to prompt the host computer to issue an additional command for discriminating the status in the case where the status of the data communication apparatus has been changed (once the status has changed such that the printing request has been accepted, the user sends an additional command that includes the printing data and instructions, See Col. 7, Line 13-19), while the controller does not add the information in a case where the status of the data communication apparatus has not been changed (the user is not sent a response until the print server identifies the printing request so the

user is informed of the status changed to be accepted, See Col. 7, Line 6-13), and in response to the command being a command requesting a status of the data communication apparatus, the controller does not add the information to the response (the user only requests a status inquiry, thus, once it is received, an additional command is not needed, See Col. 7, Line 30-37).

Regarding claim 21, Morgan ('674) discloses that the added information is information indicating that a change in status of the data communication apparatus has occurred (the print server has accepted the printing request so that the user is able to send the additional data to the print sever, See Col. 7, Line 13-19).

Regarding claim 23, Morgan ('674) discloses a storage unit (embodied within the print server) arranged to store status information indicating a status of the data communication apparatus (the status collector monitors and keeps a record of conditions within and around the print server, See Col. 14, Line 7-13), such that the transmitter transmits the status information stored in the storage unit whenever the receiver receives a command requesting the status of the data communication apparatus (transmits the status information through the system manager, See Col. 9, Line 66-Col. 10, Line 2, using the status collector, See Col. 10, Line 12-19).

Regarding claims 25-26, the rationale provided in the rejection of claim 20 is incorporated herein. In addition, the apparatus of claim 20 corresponds to the method of claim 25 and the computer-readable storage medium (See Col. 10, Line 62-63) of claim 26 and provides the steps disclosed herein.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan ('674) in view of Sato ('405) and Hayashi ('246).

Regarding claim 24, Morgan ('674) discloses a printer (See Figure 1, Element 16a and 16b), such that the storage unit stores information indicating the status of it (See Col. 14, Line 10-13).

Morgan ('674) does not disclose a reader as well as a facsimile communication unit, which a storage unit is used to store information indicating the status of it.

Sato ('405) discloses a facsimile unit (See Figure 1) that includes a reader (scanner unit, See Figure 1, Element 8) for monitoring and storing in a memory (See Col. 7, Line 65-66) the status within the facsimile machine (See Figure 4; See Col. 9, Line 4-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include a reader, such as the one within facsimile communication unit as disclosed by Sato ('405), and incorporate it into the apparatus of Morgan ('674) because it allows the user to not just know the status of a printer, but also a scanner and fax, which can be used to copy and

send print data as well as increase the speed of communication rather than having the user go directly to the device to see if it completed the requested operation.

***Response to Arguments***

7. Applicant's arguments with respect to claims 20-21 and 23-26 have been considered but are moot in view of the new grounds of rejection. Thus, the prior art of Morgan is used to meet the limitations of the amended claims as disclosed within the rejection above.

8. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent M. Rudolph whose telephone number is (571) 272-8243. The examiner can normally be reached on Monday through Friday 8 A.M. - 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

12/3/07  
VMR

  
Vincent M. Rudolph  
Examiner  
Art Unit 2625  
  
KING Y. POON  
SUPERVISORY PATENT EXAMINER